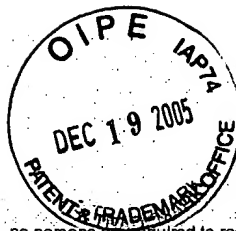
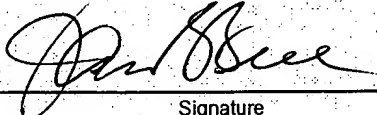


Doc Code: AP.PRE.REQ



PTO/SB/33 (07-05)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		16356.600	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>12/14/05</u></p> <p>Signature <u>MPL</u></p> <p>Typed or printed name <u>Nishi Pasarya</u></p>		Application Number	Filed
		09/770,586	January 25, 2001
		First Named Inventor	
		Art Unit	Examiner
		2116	Du, Thuan N.
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 26,528 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		<p> Signature</p> <p>James R. Bell Typed or printed name</p> <p>512-867-8407 Telephone number</p> <p><u>12-14-05</u> Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of <u>one</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
Docket Number: 16356.600 (DC-02884)
Customer No. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

O'Connor, Clint H., et al.

Serial No. 09/770,586

Filed: January 25, 2001

For: METHOD AND SYSTEM FOR
CONFIGURING A COMPUTER
SYSTEM VIA A WIRELESS
COMMUNICATION LINK

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Examiner: Du, Thuan N.

Group Art Unit: 2116

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Commissioner for Patents
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Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Responsive to the Final Office Action, dated October 13, 2005, please consider the following remarks in connection with the pre-appeal brief request for review. Review of the final rejection is requested for the following reasons.

1. The Rejection Of Claims 1-21 under 35 U.S.C. 112 Is improper and unfounded.

Claims 1, 14 and 18 were rejected under 35 U.S.C. 112 as failing to comply with the written description requirement. Specifically, the rejection states that: “the claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite the method step of “transmitting configuration information...to track, monitor and confirm work in progress until manufacturing is complete” and “completing software configuration...to track, monitor and confirm work in

progress" which were not described in the specification. In the specification, applicant described that the configuration information, i.e. drivers, operating system information, etc., is used to configure the device. The configuration information is not described to be used for tracking, monitoring and confirming work in progress. The specification describes that the device can be tracked and monitored via an information (not configuration information) communicated via a wireless network [specification, p. 12, lines 14-29; p. 13, lines 17-21]."

Referring to the original application in its entirety, and specifically to page 7, lines 6-27 and page 12, lines 4-29, it is stated that: "Referring to Fig. 2, a flow diagram 20 is shown illustrating more detailed steps taken for the above described wireless configuration process. At the beginning of the manufacturing process, the CP's firmware is programmed and a unique product ID is assigned to the CP in step 22. The CP is assembled with other standard hardware and software components in various assembly steps in step 24. After the assembly is completed, the CP is powered up in step 26, and pushed through multiple steps of manufacturing and diagnostic tests in step 28. Once the CP proves to meet the product quality standard of the factory, the CP is suspended to a standby mode in step 30 to be later woken up by a signal transmitted by the wireless information network. The CP is now ready to be put in a shipping box. The CP packaged in a box (or a "containerized CP") is now shipped to a configuration area of the factory in step 34, and a "wake-up" signal sent by the wireless information network in step 36 triggers the CP to initiate the configuration process. The CP responds to the wake-up signal and feeds back information to the wireless communication hub about its identity (e.g., its ID). It is contemplated that the wireless communication hub can continuously send the wake-up signal to all the CPs arriving in its coverage area so that they can "wake up" in the same order as they arrive. Through the wireless communication hub, the manufacturing control server recognizes the ID of the CP, and associates the ID with customer order details for configuring the CP in step 40. Then, the configuration data is downloaded to the CP in step 44 so that the CP can be customized as it is expected."

"In a manufacturing environment where the wireless information network is used extensively, communications [with] between the wireless information network and the CP can start early and take place in all the assembly stages. Referring now to Fig. 5, a flow diagram 80

is shown illustrating the use of the wireless information network in the computer manufacturer's factory. When components are shipped to the computer manufacturer's factory, there will be a holding area and kitting racks where hardware components can be stored and classified. A traveler 82 is generated by the manufacturing control server and sent to the assembly area or the area where the kitting racks are. Operators in that area would collect the desired chassis as well as all the components necessary for assembly down stream in a parts bin 84. The first component that is installed would be a mother board 86 and its wireless communication subsystem. Once, the mother board is able to communicate with the wireless information network, when other hardware components such as all peripheral devices and other subsystems are installed, it triggers the information exchanges between the computer in making and the wireless information network. For instance, after an operator plugs in a display adapter, a message can be sent to the operator through his assembly computer station to inform him that the installed hardware matches the configuration defined by the traveler. Once the computer is fully assembled and operational, it is sent to the burn rack 88, and more information is provided to the wireless information network to help facilitating the work in progress. The assembled computer is then added with optional components (block 90), boxed (block 94), and shipped out for customers (block 94). In every single process step, the computer can communicate with the wireless information network to provide information to track, monitor, or confirm the work in progress until the shipping truck leaves the factory."

2. The Rejection Of Claims 1-21 is not supported by a *prima facie* case of obviousness.

The rejection states: "Claims 2-11 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Lewis* (U.S. Patent No. 6,876,295), *Worley et al.* (U.S. Patent No. 6,651,190) and *Kroening et al.* (U.S. Patent 6,080,207). Claims 1, 12 and 14-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Lewis* (U.S. Patent No. 6,876,295) and *Worley et al.* (U.S. Patent No. 6,651,190)."

The rejection admits that "*Lewis* does not explicitly teach that the computing product could be tracked, monitored and confirmed work in progress via a wireless network," and

argues that "*Worley* teaches that an operation of a system could be tracked, monitored and confirmed via a wireless network [col. 4, lines 42-48; col. 7, lines 8-53]." However, *Worley* is a remote maintenance device to monitor and control a host computer and its operating system.

The rejection admits that "*Lewis* and *Worley* do not explicitly detail the type of the configuration information," and argues that "*Lewis* suggests that any type of configuration information could be wirelessly received and stored by the computing product." *Lewis* is directed to initial configuration of a wireless communication device without requiring full assembly.

The rejection admits that "*Lewis*, *Worley* and *Kroening* do not explicitly teach that the specified hardware configuration in the assembling is a customer selected configuration," and argues that "one of ordinary skill in the art would have recognized that it would have been obvious to allow the customers to select hardware configuration in the same way they select their software configuration." However, *Kroening* is directed to an image building software delivery process.

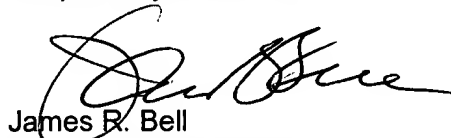
The rejection admits that "*Lewis*, *Worley* and *Kroening* do not explicitly teach the step of confirming the computing product is appropriately configured subsequent to the configuring," and argues that "*Kroening* teaches that error checking is made during the creating of the image before the image is transmitted to the computing product [col. 5, lines 17-26]. *Kroening* [does] aware of the operation of the configured computing product. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of *Kroening* to include a confirmation step to ensure that the computing product operate error free after being configured." However, the combined teachings do not suggest the described and claimed invention, see Fig. 2 of the application.

The *prima facie* case of obviousness is missing however, because the references fail to disclose each element of the claims or suggest the missing elements.

The rejection fails to show any prior art teaching or suggestion for the claimed "transmitting configuration information to the assembled computing product via a wireless communication connection to track, monitor and confirm work in progress until manufacturing is completed"...and "configuring the containerized computing product with the received configuration information, via the wireless configuration information."

Other reasons for the patentability of claims 1-21 have been previously presented and will be maintained should the filing of an appeal brief become necessary.

Respectfully submitted,



James R. Bell
Registration No. 26,528

Dated: 12-14-05
HAYNES AND BOONE, L.L.P.
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 512/867-8407
Facsimile: 214/200-0853
ipdocketing@haynesboone.com

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on	<u>12/14/05</u>
Date	<u>MTZ</u>
Signature	<u>Nishi PASAKYA</u>
Typed or Printed name of person signing Certificate	